

Notice of Allowability

Application No.

10/623,309

Examiner

Brian R. Gordon

Applicant(s)

MILLER, DAVID JEFFREY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-28-05.
2. ☒ The allowed claim(s) is/are 1-5 and 8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leland Jordan on November 7, 2005.

The application has been amended as follows:

In the claims:

1. (currently amended) A method for resupplying reagents inventoried on-board an automatic clinical analyzer by:
averaging a daily assay demand pattern placed upon the analyzer for assays conducted on a specific day of a week over a plurality of weekly
~~during each separate one of seven twenty-four hour daily time periods; following the~~
plurality of weekly time periods, inventorying the reagents on board said analyzer,
~~prior to any specific one of the seven twenty-four hour daily periods subsequent to the~~
~~seven twenty-four hour daily time periods, compare~~ comparing the averaged assay demand pattern for ~~that~~ said specific day of the week ~~one of the seven twenty-four hour~~
~~daily periods~~ with the reagents inventoried on-board the analyzer, thereby determining which reagents are forecast to be exhausted before the arrival of said specific day of the
week in an immediate week following said plurality of weeks ~~twenty-four hour daily~~
~~period~~ and,

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~~undertaking appropriate measures resupplying reagents~~ to ensure an uninterrupted supply of reagents within the analyzer for said specified day during said immediate week.

2. (currently amended) A method for resupplying standard chemical solutions inventoried on-board an automatic clinical analyzer by:
averaging a daily calibration and control procedure demand pattern placed upon the analyzer for calibration and control procedures during a specific day of a week over a plurality of weekly ~~each separate one of seven twenty-four hour daily~~ time periods; following the plurality of weekly time periods, inventorying standard solutions on board said analyzer and determining a calibration and control procedure for said inventoried solutions.

prior to any specific one of the seven twenty-four hour daily periods subsequent to the seven twenty-four hour daily time periods, compare comparing the averaged calibration and control procedure demand pattern for that said specific day of the week one of the seven twenty-four hour daily periods with the standard chemical solutions inventoried on-board the analyzer, thereby determining which standard chemical solutions are forecast to be exhausted before the arrival of said specific day of the week in an immediate week following said plurality of weeks ~~twenty-four hour daily period~~ and, ~~undertaking appropriate measures resupplying reagents~~ to ensure an uninterrupted supply of reagents within the analyzer for said specified day during said immediate week.

In claims 3-5 delete the phrase "the appropriate measures include" and insert –
resupplying the reagents includes—

8. (currently amended) ~~A method for resupplying reagents inventoried on-board an automatic clinical analyzer by:~~
~~averaging an assay demand pattern placed upon the analyzer for assays~~
~~over a sequence of single specifically defined time periods;~~
~~prior to a single specifically defined time period following the sequence of~~
~~single specifically defined time periods, compare the averaged assay demand~~
~~pattern with the reagents inventoried on-board the analyzer, thereby determining~~
~~which reagents are forecast to be exhausted before the time period following the~~
~~sequence of specifically defined time periods; and, undertaking appropriate measures to~~
~~ensure an uninterrupted supply of reagents within the analyzer,~~
A method for resupplying reagents inventoried on-board an automatic clinical analyzer
by: averaging a daily assay demand pattern placed upon the analyzer for assays
conducted on a specific day of a week over a plurality of weekly time periods; following
the plurality of weekly time periods, inventorying the reagents on board said analyzer,
comparing the averaged assay demand pattern for said specific day of the week with
the reagents inventoried on-board the analyzer, thereby determining which reagents are
forecast to be exhausted before the arrival of said specific day of the week in an
immediate week following said plurality of weeks resupplying reagents to ensure an

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uninterrupted supply of reagents within the analyzer for said specified day during said immediate week, wherein averaging the assay pattern includes tracking reagent and calibration solution consumption along with time and date of consumption of all reagents consumed on a per reagent container, per calibration vial container, per assay, and per calibration basis.

Allowable Subject Matter

2. Claims 1-5 and 8 are allowed.
3. The following is an examiner's statement of reasons for allowance: The prior art does not teach replenishing reagents as claimed by applicant (see applicant's remarks filed October 28, 2005).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Gordon whose telephone number is 571-272-1258. The examiner can normally be reached on M-F, with 2nd and 4th F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

brg


Jill Warden
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